

REMARKS

Claims 1-3, 5-15, 17-21, 23-24, 26, 29-30, and 32-33 will be pending upon entry of the present amendment. Claims 21, 24, 26, 29, and 30 are being amended. Claims 22, 25, 27, 28, and 31 are being cancelled. Claims 1-3, 5-8, 15, and 17-20 were allowed.

The applicants appreciate Examiner Kang's consideration in having a telephone conference with the applicants' attorney, Robert Iannucci, on February 5, 2004. The present amendment differs from the amendment filed on January 7, 2004 in that the present amendment adds the subject matter of claims 25 and 28 into claims 21 and 26, respectively. As such, amended claims 21 and 26 now fully include all of the limitations of claims 22 and 27, respectively. It is the applicants' understanding that the Examiner indicated that all remaining claims appear to be allowable over the cited prior art. If there are any remaining issues to be resolved, the applicants respectfully request the Examiner to contact Mr. Iannucci for a telephone interview. The remarks from the January 7 amendment regarding the prior art rejections are repeated below for completeness.

The applicants appreciate the indication that claims 22, 27, and 31 were directed to allowable subject matter. As a result, independent claim 21 is being amended to include the subject matter of claims 22 and 25, claim 26 is being amended to include the subject matter of claims 27 and 28, and claim 30 is being amended to include the subject matter of claim 31. As amended, claims 21, 23-24, 26, 29-30, and 32-33 are in condition for allowance.

Claims 9, 11, 21, 24, 26, and 29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,448,651 to Kim.

Kim does not anticipate claims 9, 11, 21, 24, 26, and 29 because Kim is not prior art. Kim issued based on a U.S. patent application filed on September 15, 1999. The present application claims priority from European Patent Application No. 98830562 filed on September 25, 1998("the priority EP application"). A certified copy of the priority EP application was submitted in U.S. Patent Application No. 09/405,506, of which the present application is a division. In addition, enclosed is an accurate English translation of the priority EP application, thereby perfecting priority back to September 25, 1998, which is well before the U.S. filing date of Kim. Thus, claims 9, 11, 21, 24, 26, and 29 are not anticipated by Kim.

Claims 9, 10, and, 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,773,314 to Jiang et al. ("Jiang").¹

Jiang does not disclose the invention recited in claims 9, 10, and 12. Claim 9 is directed to a method that includes forming a second conductive region that directly couples a third conductive plug to a fourth conductive plug. An example of this is the conductive layer 40 that connects the plug 37 to the plug 55 in Figure 8 of the present application. Instead of such a direct electrical connection with a conductive layer, Jiang connects a plug 46 to a plug 60 with a capacitor comprised of layers 48b, 52, 54, 56. Such a capacitor, which includes the non-conductive dielectric layer 52, cannot constitute a direct electrical connection between the plugs 46, 60. Although the applicants are aware that the Examiner is entitled to interpret the claim language in the broadest reasonable manner, it seems unreasonable to say that a capacitor with a non-conductive dielectric layer constitutes a second conductive region that directly couples a third conductive plug to a fourth conductive plug. Accordingly, claims 9, 10, and 12 are not anticipated by Jiang.

Claims 13-14 were rejected under 35 U.S.C. § 103 as being unpatentable over Jiang in view of U.S. Patent No. 5,891,699 to Tsui.

Jiang and Tsui do not teach or suggest the invention recited in claims 13-14. Claims 13-14 depend on claim 9, and thus, also include the step of forming a second conductive region that directly couples a third conductive plug to a fourth conductive plug. Like Jiang, Tsui does not teach or suggest such a second conductive region as the plugs of Tsui are directly coupled to each other. Moreover, the Examiner does not cite Tsui for such a teaching. Accordingly, claims 13-14 are not obvious in view of Jiang and Tsui.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.


¹ Although the Examiner did not reject claim 25 based on Jiang, claim 25 was mentioned in Section 3 of the Office Action which deals with Jiang. If the Examiner intended to reject claim 25 based on Jiang, the applicants contend that claim 25 is allowable over Jiang for reasons similar to those recited herein with respect to claim 9.

Application No. 10/001,625
Reply to Office Action dated October 7, 2003

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Robert Iannucci
Registration No. 33,514

Enclosures:

Declaration of Elena Cerbaro
English Translation of Priority Document

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

454592_1.DOC